



## Town of Sheffield Board of Health

### Minutes for August 26, 2013 meeting.

Board members present: Priscilla Cote, Dick Kirchner, Scott Smith, Joel Weiss and Rene Wood.  
No public was present.

Chairman Cote called the meeting to order at 5:30pm and explained there would be no minutes to approve as this meeting was called for the purposes of discussing sanitation, specifically a Perc Test performed on August 15, 2013 at 404 LeGeyt Road, Sheffield, MA by White Engineering with R. Kirchner as the Board's Sanitation Inspector.

Chairman Cote stated the following information was confirmed in a phone conversation with Brent White of White Engineering, who was on site as White Engineering had been hired to conduct the Perc Test.

The required equipment was not on site when Mr. Kirchner arrived on site around 9 am to witness the Perc Test. Mr. Kirchner left the site; he left no phone number and did not ask to be called when the equipment arrived. The equipment arrived on site at 10:30 am. No witnessing occurred by R. Kirchner. Brent White stated he witnessed the test as no one was on site from the Board of Health.

Chairman Cote further stated that White Engineering said they knew Mr. Kirchner would not be back to witness the Perc Test and that White Engineering made no attempt to contact the Board of Health's office to arrange for R. Kirchner's return once the equipment arrived, or to secure another sanitation inspector or to reschedule the test when a sanitation inspector would be available.

On 8/15/13, R. Kirchner submitted a *Sanitation Inspection Report/Request for Payment* form to the Board on for witnessing this Perc Test from 9 am - Noon and was paid his fee on the 8/20/13 warrant.

Discussion ensued, a summary of which is:

R. Kirchner noted the machine was not there when he arrived, that he had other things to do and that White Engineering dug in spaces where they were suppose to and that he drove back twice. He defended Marshall White, whom he has known for years, stating that if it was anyone but Marshall White, he would have stayed. He had no cell phone. He noted that if the Board wanted him to stay, I will. He just needs to be told this and noted that someone will have to pay for his time.

S. Smith asked R. Kirchner "Did you witness it while the holes were open?" R. Kirchner said "No". S. Smith noted that the sanitation inspector had to witness the Perc Test.

R. Wood noted that the payment policy for sanitation inspectors doing Perc Test witnessing had been changed several years ago so the firm is billed, and the inspector paid, one fee for the first three hours and then a different fee, and payment, applies for each hour thereafter.

Chairman Cote noted that he had to follow the law.

R. Wood said she had three problems with this event: 1) Marshall White was treated differently than others doing Perc Tests; 2) R. Kirchner submitted a false claim to the Board of Health and was paid for what he did not do; 3) No Perc Test was witnessed at this property – thus none had been performed.

***R. Wood motioned to send a letter to White Engineering stating the seriousness of the matter and that any additional violation will result in revocation of their license(s) to do septic work in Sheffield and to refer the matter of R. Kirchner's actions to the Board of Selectmen, as the appointing authority, for possible discipline or dismissal. The motion was seconded by S. Smith and passed by a 4-0 vote.*** Mr. Kirchner said he did not care how he voted so the note taker did not know how to record his vote.

R. Kirchner said if the Board was trying to get rid of him to just say so; S. Smith responded that R. Kirchner was doing a pretty good job of it on his own.

Chairman Cote stated she would like in the interim for Scott Smith to take full responsibility for working with the Board's secretary, Jill Hughes, in the scheduling and performance of inspections.

***R. Wood motioned that Scott Smith be authorized to take full responsibility for working with the Board's secretary, Jill Hughes, in the scheduling and performance of sanitation inspections, with authorization to call in an inspector from the Berkshire Public Health Alliance, if needed. The motion was seconded by S. Smith and passed by a 5-0 vote.***

J. Weiss expressed his dismay at what Marshall White had done, noting that he had no right to dig holes without a sanitation inspector present and should have stopped. He noted with further dismay that Brent White was there and witnessed this.

***R. Wood motioned that she be authorized to draft the letters for Chairman Cote's review and revision and that Chairman Cote be authorized to send such letters on the Board's behalf. The motion was seconded by J. Weiss and passed by a 5-0 vote.***

***R. Wood motioned for the meeting to adjourn, which was seconded by S. Smith and passed by a 5-0 vote.***

Chairman Cote closed the meeting at 5:40 pm.

Respectfully submitted by Rene Wood, Board member.

The following documents were presented at this meeting:

Meeting Agenda, Board of Health Sanitation Inspection Report/Request for Payment filed by Richard Kirchner on 8/15/13 for Perc Test witnessing at 404 LeGeyt Road, Sheffield on 8/15/13.